

Federal Defenders
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May 21, 2024

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Omar Khan,
20 Cr. 117 (PAE)

Dear Judge Engelmayer,

I write to provide another update to the Court regarding Omar Khan's medical treatment at Windsor Rehabilitation Facility, where he is currently being held in U.S. Marshals' custody.

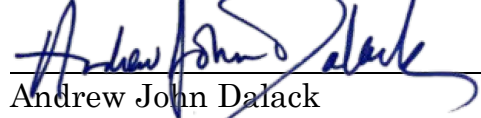
As addressed in my letter dated May 7, 2024, on April 18, 2024, a neurosurgeon evaluated Mr. Khan. The physician recommended that Mr. Khan be allowed at least an hour of physiotherapy per day, including weekends. I also understand that the physician further opined that Mr. Khan's foot swelling and numbness are exacerbated by his being handcuffed to a bed most of every day.

Since the neurosurgeon's examination, and since my letter dated May 7, 2024, I have been working with AUSA Nicholas Chiuchiolo to ensure that Mr. Khan is afforded at least an hour of physiotherapy daily, including on the weekends. Unfortunately, notwithstanding our efforts, Mr. Khan still has not received any weekend physiotherapy, and continues to be chained to his bed for most of every day.

I respectfully submit that the status quo is not sustainable. There is a growing concern that Mr. Khan's lack of access to physical activity is worsening his condition and making his long-term rehabilitation more difficult to achieve. I understand from AUSA Chiuchiolo that staffing inadequacies at Windsor limit Mr. Khan's access to physical therapy on the weekends, specifically. Consequently, I respectfully request that the Court issue an Order directing the U.S. Marshals Service to make arrangements with Windsor to allow Mr. Khan to be unchained and out of his bed at least one hour per day (including weekends) so that he can

perform—even from his own room—exercise activities provided to him from the physical therapist.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Andrew John Dalack", is written over a horizontal line.

Andrew John Dalack

Hannah McCrea

Assistant Federal Defenders

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Cc: AUSA Nicholas Chiuchiolo